

10-0-
10-0-0220

(Do Not Write Above This Line)

AN ORDINANCE
BY COUNCILMEMBER HOWARD SHOOK

AN ORDINANCE AUTHORIZING THE PURCHASE OF PERMANENT AND TEMPORARY CONSTRUCTION EASEMENTS AND THE NECESSARY RIGHTS-OF-WAY FROM VARIOUS PROPERTY OWNERS FOR THE COMPLETION OF THE WELUCA ROAD SIDEWALK IMPROVEMENTS PROJECT; TO AUTHORIZE THE MAYOR, OR HIS DESIGNEE, TO NEGOTIATE WITH AFFECTED PROPERTY OWNERS AND TO USE ALL MEANS NECESSARY TO ACQUIRE NECESSARY PROPERTY INTERESTS UP TO AND INCLUDING CONDEMNATION PROCEEDINGS; TO AUTHORIZE THE CITY ATTORNEY, OR HIS DESIGNEE, TO INSTITUTE CONDEMNATION PROCEEDINGS PURSUANT TO THE DECLARATION OF TAKING METHOD AUTHORIZED BY O.C.G.A. SECTION 32-3-4; TO AUTHORIZE THE CITY ATTORNEY TO USE THE SERVICES OF OUTSIDE COUNSEL, WHERE NECESSARY, TO HANDLE CONDEMNATION PROCEEDINGS; AND FOR OTHER PURPOSES.

First Reading

Committee _____
Date _____
Chair _____
Referred To _____

Committee

Date 1/19/10
Chair Shook
Action Adopted
Fav, Adv, Hold (see rev. side)
Other _____

Committee

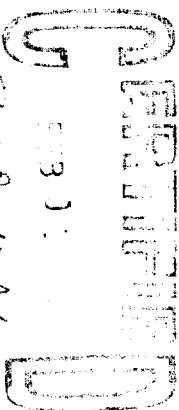
Date _____
Chair _____
Action _____
Fav, Adv, Hold (see rev. side)
Other _____

FINAL COUNCIL ACTION

☐ 2nd ☐ 1st & 2nd ☐ 3rd
Readings
☐ Consent ☐ V Vote ☒ RC Vote

CERTIFIED

FEB 01 2010



CONSENT REFER

REGULAR REPORT REFER

ADVERTISE & REFER

1ST ADOPT 2ND READ & REFER

PERSONAL PAPER REFER

Date Referred 1/19/10
Referred To: Finance/ACC
Date Referred _____
Referred To: _____
Date Referred: _____
Referred To: _____

Committee

Date _____
Chair _____
Action _____
Fav, Adv, Hold (see rev. side)
Other _____

Committee

Date _____
Chair _____
Action _____
Fav, Adv, Hold (see rev. side)
Other _____

MAYOR'S ACTION

Mayor's Signature

ADOPTED BY

FEB 01 2010

COUNCIL

Refer To

Refer To

CITY COUNCIL
ATLANTA, GEORGIA

Howard Shook

10-0 -0220

**AN ORDINANCE
BY COUNCILMEMBER HOWARD SHOOK**

AN ORDINANCE AUTHORIZING THE PURCHASE OF PERMANENT AND TEMPORARY CONSTRUCTION EASEMENTS AND THE NECESSARY RIGHTS-OF-WAY FROM VARIOUS PROPERTY OWNERS FOR THE COMPLETION OF THE WIEUCA ROAD SIDEWALK IMPROVEMENTS PROJECT; TO AUTHORIZE THE MAYOR, OR HIS DESIGNEE, TO NEGOTIATE WITH AFFECTED PROPERTY OWNERS AND TO USE ALL MEANS NECESSARY TO ACQUIRE NECESSARY PROPERTY INTERESTS UP TO AND INCLUDING CONDEMNATION PROCEEDINGS; TO AUTHORIZE THE CITY ATTORNEY, OR HIS DESIGNEE, TO INSTITUTE CONDEMNATION PROCEEDINGS PURSUANT TO THE DECLARATION OF TAKING METHOD AUTHORIZED BY O.C.G.A. SECTION 32-3-4; TO AUTHORIZE THE CITY ATTORNEY TO USE THE SERVICES OF OUTSIDE COUNSEL, WHERE NECESSARY, TO HANDLE CONDEMNATION PROCEEDINGS; AND FOR OTHER PURPOSES.

WHEREAS, it is necessary to acquire permanent and temporary construction easements and necessary rights-of-way from various property owners for improvements for the Wieuca Road Improvements Sidewalk Project; and

WHEREAS, state law, O.C.G.A. Section 32-3-4 authorizes the use of declaration of taking as a method of condemnation whenever a municipality desires to take private property for public road purposes or for any other public transportation purposes; and

WHEREAS, use of declaration of taking as a method of condemnation would expedite the acquisition of easement rights and possession of property interests necessary for the timely completion of this projects which involves transportation improvements; and

WHEREAS, state law requires a finding by a municipality that circumstances necessitate the use of declaration of taking before such method of condemnation can be used by a municipal government; and

WHEREAS, in order to complete the proposed projects in a timely fashion the requirements of sections 2-1541(d) and 2-1545(d) of the Procurement and Real Estate Code which require further authorization of Council for acquisition of permanent and temporary easements and necessary rights-of-way described in this ordinance are waived.

THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA,

SECTION 1: That the Chief Procurement Officer or Consultant are hereby authorized to negotiate with the affected property owners to acquire temporary or permanent construction easements and the necessary rights-of-way, and other related property interests necessary to complete construction of Wieuca Road Improvements Project.

SECTION 2: That the use of declaration of taking as a method of condemnation be utilized to expedite the acquisition of easement rights and possession of property interests necessary for the timely completion of these projects which involves transportation improvements.

SECTION 3: That in order to complete the proposed projects in a timely fashion the requirements of sections 2-1541(d) and 2-1545(d) of the Procurement and Real Estate Code which require further authorization of Council for acquisition of permanent and temporary easements and the necessary rights-of-way described in this ordinance are waived.

SECTION 4: That the Chief Procurement Officer or consultant are hereby authorized to obtain title reports, appraisal reports, land surveys, legal descriptions, environmental reports and to negotiate with the affected property owners; where the Chief Procurement Officer's negotiations with the owners are unsuccessful, to institute necessary legal action through condemnation or any other method provided by law to acquire the property interests needed to complete Wieuca Road Improvements Project.

SECTION 5: That the City's outside consultants and their subconsultants are authorized to settle those acquisitions of property at an amount not to exceed ten percent (10%) above the estimated just compensation. That the Chief Procurement Officer is authorized to administratively settle, without further authorization of City Council, those acquisitions which exceed these limitations which the City's consultants cannot otherwise acquire. However, in no event shall the Chief Procurement Officer's authority to administratively negotiate or settle such acquisitions without Council authorization exceed twenty percent (20%) above the estimated just compensation of affected properties.

SECTION 6: That the City Attorney is authorized to engage the services of outside counsel, where necessary, to handle condemnations proceedings, without further authorization from City Council. The provisions of Section 2-1542 requiring further authorization for condemnations are hereby waived.

SECTION 7: That the City Attorney, or his designee, is authorized to monitor and supervise the closing transactions with affected property owners in connection with these projects, with the assistance of the consultants and its subconsultants.

SECTION 8: That all costs associated with this ordinance will be charged to and paid from PTAE0 Funding source:13101639 101 350291105 5411002 COA.

SECTION 9: That all ordinances and parts of ordinances in conflict herewith be and the same are hereby repealed.

A true copy,


Deputy Clerk

ADOPTED by the Atlanta City Council
APPROVED by Mayor Kasim Reed

FEB 01, 2010
FEB 09, 2010

RCS# 42
2/01/10
2:07 PM

Atlanta City Council

REGULAR SESSION

CONSENT I

ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 1

B Smith	Y Archibong	Y Moore	Y Bond
NV Hall	Y Wan	Y Martin	Y Watson
Y Young	Y Shook	Y Bottoms	Y Willis
Y Winslow	Y Adrean	Y Sheperd	NV Mitchell

CONSENT I

		02-01-10
ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 10-O-0118	36. 10-R-0182	
2. 10-O-0119	37. 10-R-0183	
3. 10-O-0120	38. 10-R-0184	
4. 10-O-0121	39. 10-R-0185	
5. 10-O-0122	40. 10-R-0186	
6. 10-O-0123	41. 10-R-0187	
7. 10-O-0126	42. 10-R-0188	
8. 10-O-0127	43. 10-R-0189	
9. 10-O-0128	44. 10-R-0190	
10. 10-O-0129	45. 10-R-0191	
11. 10-O-0220	46. 10-R-0192	
12. 10-O-0221	47. 10-R-0193	
13. 10-O-0057	48. 10-R-0194	
14. 10-O-0135	49. 10-R-0195	
15. 10-R-0134	50. 10-R-0196	
16. 10-R-0162	51. 10-R-0197	
17. 10-R-0227	52. 10-R-0198	
19. 10-R-0164	53. 10-R-0199	
20. 10-R-0165	54. 10-R-0200	
21. 10-R-0166	55. 10-R-0201	
22. 10-R-0169	56. 10-R-0202	
23. 10-R-0170	57. 10-R-0203	
24. 10-R-0171	58. 10-R-0204	
25. 10-R-0222	59. 10-R-0205	
26. 10-R-0228		
27. 10-R-0173		
28. 10-R-0174		
29. 10-R-0175		
30. 10-R-0176		
31. 10-R-0177		
32. 10-R-0178		
33. 10-R-0179		
34. 10-R-0180		
35. 10-R-0181		